

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Byanca Nena Galindo,)	Case No. 1:22-cr-224
)	
Defendant.)	

On December 28, 2022, the Court issued an order detaining Defendant pending placement in a residential reentry center. (Doc. No. 21). Defendant is currently being housed at the Ward County Jail. On February 8, 2023, she filed a “Motion for Reconsideration of Order of Detention.” (Doc. No. 27). She requests to be released to Hope Manor in Bismarck, North Dakota.

A detention hearing may be reopened "if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community." 18 U.S.C. § 3142(f)(2).

A placement at Hope Manor was not available to Defendant at the time of her detention hearing. The court is persuaded that a placement of Defendant at Hope Manor with additional conditions will reasonably assure both her appearance at future proceedings and the community’s safety. The court therefore **GRANTS** Defendant’s motion (Doc. No. 27).

Defendant shall be released no earlier than 9:00 AM on February 15, 2023, to Heather Allery for immediate transport to Hope Manor. Defendant’s release shall be subject to the following conditions:

- (1) Defendant shall not violate federal, state, tribal, or local law while on release.

- (2) Defendant shall appear in court as required and surrender for any sentence imposed.
- (3) Defendant shall refrain from the use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner, and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test.
- (4) Defendant shall report to the Pretrial Services Officer at such times and in such manner as designated by the Officer.
- (5) Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
- (6) Defendant shall not knowingly or intentionally have any direct or indirect contact with witnesses or co-defendant, except that counsel for Defendant, or counsel's agent or authorized representative, may have such contact with such person(s) as is necessary in the furtherance of Defendant's legal defense.
- (7) Defendant shall undergo a substance abuse and/or mental health evaluation if required by the Pretrial Services Officer and comply with resulting counseling or treatment recommendations.
- (8) Defendant shall reside at Hope Manor, fully participate in its programming, and comply with all of its rules and regulations.
- (9) If for any reason Defendant is terminated from Hope Manor, she must immediately report to the United States Marshal with the understanding that she shall be

remanded into custody pending further order of the court.

- (10) Defendant shall submit her person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.
- (11) Except upon prior approval from the Pretrial Services Officer, Defendant's travel is restricted to North Dakota.
- (12) Defendant shall maintain or actively seek employment. Employment must be approved by the Pretrial Services Officer.
- (13) Defendant shall not obtain a passport.

IT IS SO ORDERED.

Dated this 14th day of February, 2023.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court